

visitations, these inspections, but if we do need a penalty in the bill I think this penalty is an adequate one and I support Senator Higgins' amendment.

PRESIDENT: Thank you. Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President, members, I have discussed the amendment with both Senator Higgins and Senator Withem and the Health Department and the nursing home industry. Just to give you a quick background, Senator Withem intimated that perhaps there was some language problems with the amendment the committee adopted in not getting at the unannounced visits. In fact, with the situation as the bill as it currently stands would not allow for announced visits except for follow-up visits that occur after you've done the annual inspection and so it was intended that there be unannounced visits, but perhaps follow-up visits could be announced and what happens and why you want that is that you want to be able to work with a nursing home and following up and making sure they comply with standards. And so the unannounced visit catches them off guard, so to speak, and then after that you try to work with them a little bit, but I think it is wise at this point to proceed with totally unannounced visits, both an annual inspection and the follow up. I think that's fine and I think...but it isn't an unintentional drafting error. That's the way the practice has been and I think the change proposed is a good one. The fines and the disciplinary action, I have no problem with the Health Department because they don't feel that they have violated or will violate the intent here and so they are satisfied that even though they are facing a \$5,000 fine they will never see that paid because they're not in any way, shape or form hoping to do the sort things Senator Higgins has indicated might occur. I think in the past there have been some real problems. Senator Higgins has been very alert to these and I think what she is doing is indicating that those practices in the past may have inadvertently informed nursing homes of pending visits, ought to be discontinued in any way, shape or form that they try to let people know about these has to discontinue and I think that is fine and Senator Withem and Senator Higgins both are to be commended in trying to make that change. The nursing home industry is a little bit concerned about the scaring away the department from discussing things with them as the nursing homes try to comply with standards, but I think ultimately this is really...should not be a problem, I think in the end. They ought to be unannounced and they can still communicate and I would assure the Health Department and the nursing homes that